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Attorneys for Plaintiff  
**NANCY MAHAN**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

NANCY MAHAN,  
Plaintiff,  
v.  
UNUM LIFE INSURANCE COMPANY OF  
AMERICA,  
Defendant.

) Case No. 3:13-cv-04803 VC  
)  
)  
**STIPULATION AND ORDER TO**  
**PERMIT PLAINTIFF TO FILE AN**  
**AMENDED COMPLAINT AND FOR**  
**THE WITHDRAWAL OF**  
**DEFENDANT'S MOTION FOR**  
**SUMMARY JUDGMENT WITHOUT**  
**PREJUDICE**  
)  
)

Plaintiff, Nancy Mahan and Defendant, Unum Life Insurance Company of America by  
and through their counsel of record hereby stipulate that plaintiff can and will file an amended

1 complaint in substantially the same form as the draft amended complaint that plaintiff forwarded  
2 defendants on June 12, 2014 and that defendant will withdraw its now pending motion for  
3 summary judgment, without prejudice such that defendant can file a new motion for summary  
4 judgment/partial summary judgment of the amended complaint. Plaintiff will file its amended  
5 complaint on or before June 19, 2014 and defendant will file its motion for summary  
6 judgment/partial summary judgment on or before July 17, 2014.

7 GOOD CAUSE exists for the filing of the amended complaint because the amended  
8 complaint drastically reduces the issues raised in the case and to be resolved by the Court and the  
9 parties.

10 SO STIPULATED.

11 **RIMAC MARTIN, P.C.**

12 DATED: June 12, 2014

By: /s/ Anna M. Martin  
ANNA M. MARTIN  
Attorneys for Defendant  
UNUM LIFE INSURANCE COMPANY OF  
AMERICA

16 **LAW OFFICES OF SAMUEL F. BARNUM**

17 DATED: June 12, 2014

By: /s/ Samuel F. Barnum  
SAMUEL F. BARNUM  
Attorneys for Plaintiff  
NANCY MAHAN

21 **IT IS SO ORDERED.**

22 Dated: June 13, 2014

23   
HON. VINCE CHHABRIA  
UNITED STATES DISTRICT JUDGE

## **CERTIFICATE OF SERVICE**

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is 1051 Divisadero Street, San Francisco, California 94115.

On June 12, 2014 the following document is being filed electronically and will be available for viewing and downloading from the Court's CM/ECF system:

**STIPULATION AND ORDER TO PERMIT PLAINTIFF TO FILE AN AMENDED  
COMPLAINT AND FOR THE WITHDRAWAL OF DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT WITHOUT PREJUDICE**

The Notice of Electronic Case Filing Automatically generated by the system and sent to all parties entitled to service under the Federal Rules of Civil Procedure and the Local Rules of the Northern District of California who have consented to electronic service shall constitute service of the filed document to all such parties.

Executed on June 12, 2014 at San Francisco, California.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Arpi Balian  
(Type or print name)

/s/ Arpi Balian  
(Signature)

## CERTIFICATE OF SERVICE